

REMARKS

Introduction

Claims 106-145 are pending in this application.

The Examiner rejected claims 106-114, 116-124, 126-134 and 136-144 under 35 U.S.C. § 103(a) as being obvious from Schein et al. U.S. Patent Publication No. 2003/0196201 ("Schein") in view of Sampsell U.S. Patent No. 6,219,839 ("Sampsell"). The Examiner rejected claims 115, 125, 135 and 145 under 35 U.S.C. § 103(a) as being obvious from Schein in view of Sampsell and in further view of Goldschmidt Iki et al. U.S. Patent No. 6,226,444 ("Goldschmidt").

Applicants respectfully traverse the Examiner's rejections.

Applicants' Reply

The Examiner admits that Schein does not disclose playing a recorded program in response to receiving a user selection of a recorded program from a list of selectable program listings and cites Sampsell as allegedly making up for this deficiency (*see* Office Action, page 5).

The Examiner relies on FIGS. 9 and 10 and col. 5, lines 21-39 of Sampsell in rejecting applicants' claimed list of selectable program listings for a recorded program and a broadcast program and selection of one of the displayed program listings for playback of the recorded program. However, because the filing date of Sampsell (i.e., March 5, 1999) is after that of applicants' priority date (i.e., September 17, 1998), pursuant to MPEP 2136.03(III), the provisional application from which Sampsell relies on for an earlier effective filing date must support the subject matter relied upon to make a rejection based on Sampsell.

The provisional application on which Sampsell relies, U.S. Provisional Application No. 60/085,127 ("Sampsell '127"), neither shows nor renders obvious a selectable list of program listings for a recorded program and a broadcast program and selection of one of the program listings for playback of the recorded program. More specifically, none of the figures in Sampsell relied upon by the Examiner in making the rejection are shown or supported by Sampsell '127. Instead, Sampsell '127 discloses a display of an EPG filled with program and channel information as well as lines for peripheral device control (e.g., DVD and VCR player control) (Sampsell '127, FIG. 3 and page 6, lines 1-7). In particular, the display of a peripheral device control line in the EPG is not the same as applicants' claimed program listing for a recorded program. This is because while the control line displayed in the EPG of Sampsell '127 allows the user to control operation of a peripheral device (e.g., power, play, pause), applicants' claimed program listing identifies a particular recorded program and plays the recorded program upon selection of the program listing.

In addition, the information (e.g., title and run-time) of the programming supplied by the peripheral device discussed in page 6, lines 8-15 of Sampsell '127 is not shown or suggested to be displayed with the EPG containing program and channel information. At best, based on the disclosure of Sampsell '127, the information is displayed in a separate EPG like interface that allows control over the peripheral device. Furthermore, nowhere does Sampsell '127 show or suggest the selection of the displayed information causing the corresponding program to be played back, as required by

applicants' claims. Thus, none of applicants' claimed features are shown or suggested by Sampsell '127.

Therefore, Sampsell and Sampsell '127 fail to make up for the deficiencies of Schein relative to the rejection.

Goldschmidt, which the Examiner uses in the rejection of other elements of applicants' dependent claims, does not make up for the deficiencies of Schein and Sampsell relative to the rejection.

For at least these reasons, applicants respectfully submit that independent claims 106, 116, 126 and 136 are allowable over the art of record. Since dependent claims 107-115, 117-125, 127-135 and 137-145 depend respectively from independent claims 106, 116, 126 and 136, dependent claims 107-115, 117-125, 127-135 and 137-145 are also allowable over the art of record.

Conclusion

The foregoing demonstrates that this application is in condition for allowance. Reconsideration and prompt allowance are accordingly respectfully requested.

Respectfully submitted,

/Gall C. Gotfried/

Gall C. Gotfried
Registration No. 58,333
Agent for Applicants
Ropes & Gray LLP
Customer No. 75563
1211 Avenue of the Americas
New York, NY 10036